

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE**

	)	
Matthew-Lane: Hassell,	)	
	)	
Plaintiff,	)	
v.	)	Case No. 1:23-cv-00472-JL-AJ
	)	
Devin Aileen Kimbark, et al.	)	
	)	
Defendants	)	
	)	

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**THE JUDICIAL DEFENDANTS’ MOTION TO STAY OBLIGATION TO  
RESPOND TO PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT**

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The Honorable Michael L. Alfano, the Honorable Todd H. Prevett, and the Honorable Kerry P. Steckowych (the “Judicial Defendants”), by and through the Office of the New Hampshire Attorney General as counsel, hereby move to stay their obligation to respond to [ECF 21] pro se Plaintiff Matthew-Lane: Hassell’s motion for summary judgment. In support of this motion, the Judicial Defendants state the following:

1. On December 8, 2023, the Judicial Defendants filed a motion to dismiss Plaintiff’s claims against them pursuant to Federal Rule of Civil Procedure 12(b)(1). *See* ECF 14. Specifically, the Judicial Defendants argued that Plaintiff’s claims should be dismissed for lack of jurisdiction because they are barred by the Rooker-Feldman doctrine, judicial immunity, and Eleventh Amendment sovereign immunity, and because abstention is otherwise counseled under the Younger doctrine. *See* ECF 14-1.

2. By Report and Recommendation issued February 14, 2024, Magistrate Judge Johnstone recommended that “the district judge should grant defendants’ motions to dismiss.”

ECF 19 at 11. The recommendation was based, in part, on Magistrate Judge Johnstone's analysis that Rooker-Feldman, judicial immunity, and application of the Younger abstention doctrine all dictated dismissal of Plaintiff's claims against the Judicial Defendants. *See id.* at 6–9. Plaintiff filed an objection to the recommendation on February 28, 2024. *See* ECF 20.

3. Plaintiff also filed a motion for summary judgment on February 28, 2024. *See* ECF 21. Pursuant to Local Rule 7.1(b), the Judicial Defendants' deadline to object to Plaintiff's summary judgment motion is March 29, 2024.

4. The federal rules governing civil actions "should be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding." Fed. R. Civ. P. 1.

5. Under the circumstances where (a) Magistrate Judge Johnstone has recommended that the Court grant the Judicial Defendants' motion to dismiss, and (b) the Court's adoption of that recommendation would render Plaintiff's summary judgment motion moot, staying the Judicial Defendants' obligation to respond to Plaintiff's summary judgment motion would further the just, speedy, and inexpensive determination of this action. *See* Fed. R. Civ. P. 1.

6. Accordingly, the Judicial Defendants request that the Court stay their obligation to respond to Plaintiff's motion for summary judgment pending the Court's final resolution of the dismissal recommendation. To the extent the Court adopts the recommendation and grants dismissal, no response would be necessary. And to the extent the Court does not adopt the recommendation and permits this matter to continue, an objection or other response to the summary judgment motion could then be filed within 30 days.

WHEREFORE, the Judicial Defendants respectfully request that the Court:

- A. Stay their obligation to respond to Plaintiff's summary judgment motion pending final resolution of the dismissal recommendation; and
- B. Grant such other and further relief as is just and equitable.

Respectfully submitted,

THE HONORABLE MICHAEL L. ALFANO,  
THE HONORABLE TODD H. PREVETT, and  
THE HONORABLE KERRY P. STECKOWYCH

By their attorney,

JOHN M. FORMELLA  
ATTORNEY GENERAL

Dated: March 29, 2024

By: /s/ Nathan W. Kenison-Marvin  
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**CERTIFICATE OF SERVICE**

I hereby certify that on March 29, 2024, copies of the foregoing were electronically served upon Plaintiff and other parties of record via the Court's electronic filing system.

/s/ Nathan W. Kenison-Marvin  
Nathan W. Kenison-Marvin